

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE CONTINUATION PATENT APPLICATION of

GATTO, et al.

Group Art Unit: 1721

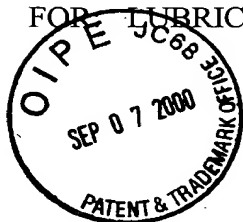
Appln. No.: 09/604,285

Examiner: Margaret Medley

Filed: June 23, 2000

FOR LUBRICANT CONTAINING...DIARYLAMINE

September 7, 2000



INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

RECEIVED  
SEP 12 2000  
GROUP 1700

Sir:

The Examiner's attention is respectfully directed to the documents enclosed herewith.

The information in the documents has been cited to the Examiner in the parent reissue application. It is believed that the Examiner has independently reviewed and studied this information on the merits in the parent reissue application. Accordingly, it is respectfully suggested that the information disclosed herewith does not raise any new issue.

First, attached is a copy of U.S. Patent No. 4,320,420 to White. In the White patent, about 0.2 to 4.0 weight percent of sulfurized polyolefin antioxidant in combination with certain specified ingredients is disclosed. The White patent discloses to use formulations and additive packages "containing synergistic amounts of sulfurized polyolefin antioxidants..." (emphasis added). The White patent further states that "oxidation stability cannot be achieved by merely adding more biphenyl amine."

Second, attached is a copy of U.S. Patent No. 4,394,279 to de Vries. The de Vries patent discloses antioxidant combinations of sulfur containing molybdenum complexes. This disclosure which is replete with directions to use sulfur containing molybdenum complexes was cited in the parent reissue application. It is thought that the sulfur is active sulfur per this reference. Thus, the directions to use active sulfur containing molybdenum compounds teach

away from the present inventions.

Third, attached is a two-page technical data sheet for a product called Molyvan<sup>®</sup> 822 from R.T. Vanderbilt Company, Inc. The Technical Data Sheets state that "MOLYVAN 822 is a unique molybdenum-sulfur combination in oil-soluble form." It has been alleged by a third party, R.T. Vanderbilt Company, Inc., that the document was published in April 1986. The Molyvan<sup>®</sup> 822 Technical Data Sheets teach away from the present inventions.

Fourth, attached is a copy of "Vanderbilt Lubricating Additives" Technical Bulletin 941, from the R.T. Vanderbilt Company, Inc. also refers to the Molyvan<sup>®</sup> 822 product as having an undisclosed proprietary formula. A third party, the R.T. Vanderbilt Company, Inc., has recently alleged that the designation "PD694" on the last page, at right-hand corner means published June 1994. The unknown, and thus undisclosed formulas, would not have suggested the present inventions.

Fifth, attached is a copy of International Application (WIPO) published under the PCT as PCT WO95/07963 to Shaub has been cited in foreign patent prosecution. This document discloses active sulfur containing molybdenum compounds. The Molyvan<sup>®</sup> 822 brand product is disclosed at page 4 of the Shaub PCT '963 publication.

Sixth, a copy of EP 0696636 A1 (February 14, 1999) is enclosed.

Seventh, a copy of UK Patent Application 2,097,422 A November 3, 1982) is enclosed. It has the same first named inventor of U.S. Patent No. 4,394,279, which was of record during the original patent prosecution, but they do not appear to be patent family members. Therefore, the UK document is enclosed herewith for the Examiner's independent review and consideration to complete the record.

Eighth, a copy of U.S. Patent No. 4,648,985 is enclosed. It was cited in the original patent prosecution and in the parent reissue application. The Examples refer to copper octoate and copper dithio carbamate which teach away from the present inventions.

Ninth, the October 15, 1999 Information Disclosure Statement in the parent case cited International Applications: PCT WO95/07962, PCT WO/95/07966, and PCT WO/95/27022. A copy of each is enclosed.

Tenth, Patent No. 4,822,857, copy attached, was cited in the parent reissue application and was of record in the original patent prosecution.

Eleventh, the Examiner has previously confirmed in the parent reissue application that the references of record in the original patent prosecution were again considered as seen from the attached PTOL 892 forms from the parent reissue application showing the Examiner's hand-written notations.

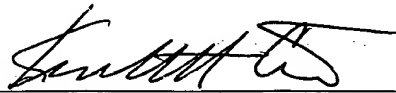
Twelfth, a copy of the available signed PTO 1449 form(s) from the parent application is (are) attached hereto.

This Information Disclosure Statement is being filed concurrently with the reissue continuation application. A petition pursuant to 37 C.F.R. 1.97 is therefore not necessary. However, if the Examiner determines that there is a deficiency or defect in this Information Disclosure Statement, please contact Applicants' representative and allow such additional time as necessary to correct any deficiency or defect.

The Examiner is requested to independently and carefully review and study the materials disclosed herewith, and to confirm that independent careful review and study by returning a signed and dated PTO-1449 Form(s) in accordance with MPEP 609.

Respectfully submitted,

PILLSBURY MADISON & SUTRO LLP

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Washington, D.C. 20005-3918  
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FORM PTO-1449 (modified)  
To: U.S. Department of Commerce  
(PM&S FORM PAT-1449)  
Patent and Trademark Office

Atty.  
Dkt. No.

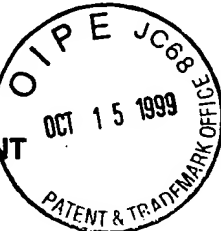
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258722

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

SEP 07 2000



Applicant: GATTO, et al.

Appln. No.: 09/359,770

Filing Date: July 22, 1999

Examiner: Not Assigned

Group Art Unit: 4721/1714

Date: October 14, 1999

Page

1

of

1

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR					
	BR					
	CR					
	DR					
	ER					
	FR					
	GR					
	HR					
	IR					
	JR					
	KR					
	LR					
	MR					
	NR					

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SEP 12 2000

GROUP 1700

FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YYYY	Country	Inventor Name	Class	SubClass	English Abstract		Translation Readily Available	
								Enclosed	No	Enclose	No
<i>MBM</i>	OR	WO 95/07962	03/1995	PCT	Richie, et al.						
<i>MBM</i>	PR	WO 95/07963	03/1995	PCT	Shaub						
<i>MBM</i>	QR	WO 95/07966	03/1995	PCT	Atherton						
<i>MBM</i>	RR	WO 95/27022	10/1995	PCT	Tomizawa						
<i>MBM</i>	SR	0696636 A1	02/1996	Europe	Arai, et al.						
<i>MBM</i>	TR	2097422 A	11/1982	Great Britain	De Vries, et al.						
	UR										
	VR										
	WR										
	XR										

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

<i>MBM</i>	YR	"Vanderbilt Lubricant Additives", R.T. Vanderbilt Company, Inc. (date?)	<i>Not provided</i>
	ZR		
	AAR		
	BBR		
	CCR		
	DDR		

Examiner: *Margaret B. Medley*

Date Considered:

*3-16-00*

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)  
To: U.S. Department of Commerce  
(PM&S FORM PAT-1449)  
Patent and Trademark Office

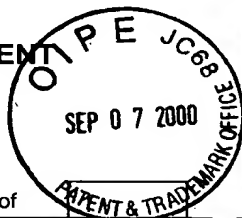
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Dkt. No.

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Client Ref.

268477

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**



Applicant: GATTO, ET AL.

Appln. No.: 09/604,285

Filing Date: June 23, 2000

Date: September 7, 2000

Page

1

of

Examiner: Margaret Medley Group Art Unit: 1721

**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR	4,330,420	05/1982	White, et al.		
	BR	4,394,279	07/1983	De Vries, et al.		
	CR	4,648,985	03/1987	Thorsell, et al.		
	DR	4,832,857	05/1989	Hunt, et al.		
	ER					
	FR					
	GR					
	HR					
	IR					
	JR					
	KR					
	LR					
	MR					
	NR					

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SEP 12 2000  
**GROUP 1700**

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM/YYYY	Country	Inventor Name		English Abstract		Translation Readily Available	
						Enclosed	No	Enclose	No
	OR	WO 95/07963	03/1995	WIPO	Shaub				
	PR	WO 95/07962	03/1995	WIPO	Richie				
	QR	WO 95/07966	03/1995	WIPO	Atherton				
	RR	WO 95/27022	10/1995	WIPO	Tomizawa				
	SR	0 696 636 A1	02/1996	Europe	Arai, et al.				
	TR	2 097 422 A	11/1982	Great Britain	De Vries				
	UR								
	VR								

**OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)**

	WR	Vanderbilt Lubricant Additives Technical Bulletin 941, R.T. Vanderbilt Company, Inc., (June 1994),			
	XR	MOLYVAN®822 Oil Soluble Molybdenum-Sulfur Lubricant Additive Non-Phosphorus Friction Reducer Antioxidant, Technical Data, MV-822-1A/8604 (8203), R.T. Vanderbilt Company, Inc., (April. 1986)			
	YR				
	ZR				

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-892 (REV. 2-92)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. <b>88/359,770</b> <b>88/659,879</b>	GROUP/PART UNIT <b>1111</b>	ATTACHMENT TO PAPER NUMBER <b>3</b>		
NOTICE OF REFERENCES CITED				APPLICANT(S) <b>GATTO et al</b>				
U.S. PATENT DOCUMENTS								
*	A	DOCUMENT NO. <b>4648985</b>	DATE <b>3/10/87</b>	NAME <b>Thorsell et al</b>	CLASS <b>252</b>	SUB-CLASS <b>35</b>	FILING DATE IF APPROPRIATE	
	B	<b>4479883</b>	<b>10/30/84</b>	<b>Shank et al</b>	<b>252</b>	<b>336</b>		
	C	<b>5232614</b>	<b>8/3/93</b>	<b>Colclough et al</b>	<b>252</b>	<b>50</b>		
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FOREIGN PATENT DOCUMENTS								
*	L	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SMTS. PP. DWG. SPEC.
	M							
	N							
	O							
	P							
	Q							
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								
	R							
	S							
	T							
	U							
EXAMINER <b>Margaret B. Medley</b>				DATE <b>3/13/96</b>				
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)								

Form PTO 1449

U.S. Department of Commerce

Modified for Computer

Patent and Trademark Office

Case No. EP-7041

Serial No. 08/359-972  
0559.879

Applicant VINCENT J. GATTO and  
MARK T. DEVLIN

Filing Date 11/20/95

Group 1100

# INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
ABM	AA 3 2 8 5 9 4 2	11/66	J.A. PRICE ET AL	260	429	
X	AB 4 0 9 5 9 6 3	6/78	D.D. LINEBERRY	55	54	
X	AC 4 1 7 5 0 4 3	11/79	A. HORODYSKY	252	32.7	
X	AD 4 3 9 4 2 7 9	7/83	L. DE VRIES ET AL	252	46.4	
X	AE 4 4 2 8 8 4 8	1/84	S.A. LEVINE ET AL	252	32.7	
X	AF 4 5 9 3 0 1 2	6/86	M. USUI ET AL	502	167	
X	AG 4 8 1 2 2 4 6	3/89	T. YABE	252	32.7	
X	AH 4 8 3 2 8 5 7	5/89	M.W. HUNT ET AL	252	33	
X	AI 4 8 4 6 9 8 3	7/89	W.C. WARD	252	33.6	
X	AJ 4 8 8 9 6 4 7	12/89	E.V. ROWAN ET AL	252	42.7	
ABM	AK 5 1 3 7 6 4 7	8/92	T. KAROL	252	33.6	

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	TRANSLATION	
						YES	N
YBAM	AL 9 5 0 7 9 6 2	3/95	PCT INTERNAT.				
YBAM	AM 9 5 0 7 9 6 3	3/95	PCT INTERNAT.				
YBAM	AN 9 5 0 7 9 6 6	3/95	PCT INTERNAT.				
	AO						
	AP						

OTHER (Including Author, Title, Date, Pertinent Pages, Etc.)

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AS	
AT	

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GROUP 1700

EXAMINER Margaret B. Bradley

DATE CONSIDERED 13 MARCH 1996



Form PTO 1449

U.S. Department of Commerce

Modified for Computer

Patent and Trademark Office

# INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Case No. EP-7041

08/25/97  
08/559.879

Applicant

VINCENT J. GATTO AND MARK T. DEVLIN

Filing Date 11/20/95

Group 1000

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
MBmt*	AA	5 1 4 3 6 3 3	9/92	R. GALLO ET AL	252	18	
	AB						
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SEP 12 2000

GROUP 1700

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	TRANSLATION YES NO
	AL						
	AM						
	AN						
	AO						
	AP						

## OTHER (Including Author, Title, Date, Pertinent Pages, Etc.)

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	AS	
	AT	

EXAMINER

Margaret B. Rodley

DATE CONSIDERED

13/MARCH/1996

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.